



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,740	11/26/2003	Ravishankar Rao	YOR920030552US1	9937

7590 09/26/2005

WILLIAM E. LEWIS
RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY, NY 11560

EXAMINER

MULLEN, THOMAS J

ART UNIT PAPER NUMBER

2632

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,740

Applicant(s)

RAO, RAVISHANKAR

Examiner

Thomas J. Mullen, Jr.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-28 is/are allowed.
- 6) ☒ Claim(s) 1-24 and 30 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/4/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2632

1. The disclosure is objected to because of the following informalities:

page 8, last line, after "turned" should be inserted --on--.

Appropriate correction is required.

2. The drawings are objected to because:

lead lines are required for the reference numerals in Figs. 1-3, in accordance with 37 CFR 1.84(q); and

in the flow chart of Fig. 2, associated with "diamond"-shaped block 206, the result (line with arrow) to the left of the block should have "Yes" or "Y" adjacent to it, and the result (line with arrow) to the right of the block should have "No" or "N" adjacent to it.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claim 29 is objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29, last line, it appears that "initiating" should be --initiate--.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2632

5. Claims 1-24 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claim 1 is confusing as to whether it is the first recited "system" (i.e. "A system") or the second recited "system" (i.e. a surveillance system) that actually detects the person. Note that the function of the first recited "system" is "...for detecting the presence of a person in an environment", while that same "environment" is "monitored by a surveillance system (i.e. the second recited "system") that has at least one sensor". Put another way, it is unclear if the "surveillance system" is being used for presence detection or for some other purpose, i.e. it is unclear what is being sensed by the "sensor".

In claim 1, the phrases "likely to result in harm" (line 3) and "the likelihood of harm" (end of claim) are unclear as to who (or what) is causing the "harm", and who (or what) is being "harmed".

In claim 1, next-to-last line, "sends a signal to initiate remedial action" is indefinite as to which entity receives the "sen(t)" signal and/or "initiate(s)" the remedial action.

Likewise, in claim 11 it is unclear whether or not the "surveillance system" on line 1 is using its "sensor" to detect the "presence" of the person (line 2), or for some other purpose.

In claim 11, next-to-last line, it is unclear which entity generates the "electronic signal", and whether detecting "the presence of a hazardous condition" is in any way related to detecting the presence of a person (line 2), or "detecting a face" (lines 4-5), in terms of which detected conditions are necessary for "initiating a remedial action" (end of claim).

Likewise, in claim 30 it is unclear whether or not the "surveillance system" on line 4 is using its "sensor" to detect the "presence" of the person (line 3), or for some other purpose.

In claim 30, last 2 lines, it is unclear which entity generates the "electronic signal", and whether detecting "the presence of a hazardous condition" is in any way related to detecting the presence of a person (line 3), or "detect(ing) a face" (line 7), in terms of which detected conditions are necessary for "initat(ing) an alarm" (next-to-last line).

In claim 20, it is unclear whether the "surveillance system" (line 2) is being used to carry out the "intrusion" function (mentioned on line 1), or is being used for some other purpose; i.e., it is unclear what is being sensed by the "sensor".

Art Unit: 2632

6. Claims 25-28 are allowed. Claims 1-24 and 29-30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, or objection(s) under 37 CFR 1.75(a), set forth in this Office action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Prokupets et al (US 2003/23874, see paragraph 0065, lines 26-38) and Redlich et al (US 2003/70077, see paragraph 0181 and Fig. 8) teach monitoring unauthorized entry-type and/or hazard-type conditions associated with computer systems, and providing an appropriate response (e.g. data backup, access control, alarm). Pirim et al (US 6717518, see Figs. 25-26) and Gutta et al (US 6720880, see the Abstract and Fig. 1) disclose safety-type systems using image capture and pattern recognition-type devices to detect a type of person or particular characteristic thereof.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

TJM


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632